



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/581,109	07/28/00	WENDLAND	A 10191/1401

RICHARD L. MAYER  
KENYON & KENYON  
ONE BROADWAY  
NEW YORK NY 10004

WM02/1221

EXAMINER

LOCKETT, E

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 12/21/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/581,109

Applicant(s)

WENDLAND, ARND

Examiner

Eric D Lockett

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8 to 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8 to 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kung (US patent #5182,553).

3. Regarding claim 8, Kung discloses a radio receiver set (communication receiver), comprising: a memory for storing operating instructions that are capable of being retrieved, through input selection, in any desired sections, and that are able to be at least one of optically displayed and acoustically displayed via an output device (column 2 lines 19 to 49).

4. Regarding claim 9, Kung discloses all of the limitations as set forth in claim 8. Kung further discloses a portion of the operating instructions are retrievable in response to an application of an operating voltage (actuating the "FUNCTION" key) (column 6 lines 29 to 57).

5. Regarding claim 10, Kung discloses all of the limitations as set forth in claim 8. Kung further discloses the memory corresponds to a non-volatile memory (column 2 lines 19 to 49, column 3 lines 52 to 64).

6. Regarding claim 11, Kung discloses all of the limitations as set forth in claim 8. Kung further discloses a transmission device for receiving one of the operating

instructions and at least sections of the operating instructions from a central device (terminal apparatus (20)) (column 7 lines 25 to 49).

7. Regarding claim 12, Kung discloses all of the limitations as set forth in claim 11. Kung further discloses an operational control element for retrieving and outputting one of the sections of the operating instructions, the one of the sections of the operating instructions being adapted to a specific operating state of the receiver ("HELP" key) (Figure 2A, column 5 lines 1 to column 6 line 55).

8. Regarding claim 13, Kung discloses all of the limitations as set forth in claim 12. Kung further discloses the operational control element permits a repeated actuation in order to output other sections of the operating instructions (selection of the "HELP" key permits the user to view instructions on a number of different receiver functions) (Figure 2A, column 5 lines 1 to column 6 line 55).

9. Regarding claim 14, Kung discloses all of the limitations as set forth in claim 13. Kung further discloses a further operational control element, wherein: the operational control element enable a section of the operation instructions pertaining to the further operational control element to be output by actuating the operational control element and by actuating the further operational control element in response to actuating the "HELP" key, and then the "LOCK" key, information typical of the "LOCK" function is displayed) (Figure 2A, column 5 lines 1 to column 6 line 55).

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**PATENT NUMBER NAME**

5,854,985	Sainton et al. - Adaptive Omni-modal Radio Apparatus and Methods
5,729,219	Armstrong et al. - Selective Call Radio with Contraposed Touchpad
5,251,015	Rumreich - Apparatus for positioning a timing signal relative to a synchronization signal derived in the deflection section of a television system
5,929,848	Albukerk et al. - Interactive personal interpretive device and system for retrieving information about a plurality of objects

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Eric Lockett whose telephone number is (703) 308-4133. The examiner can normally be reached on Monday- Fridays from 9:00 AM to 5:30 PM.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached on (703) 305-4778. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-9508.

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13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to:**


Commissioner of Patents and Trademarks


Washington, D.C. 20231

**or faxed to:**

(703) 308-6306, (for formal communications intended for entry and informal or draft communications, please label "FORMAL," "PROPOSED," or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

  
Eric Lockett  
11/22/2000

  
**NAY MAUNG**  
**PRIMARY EXAMINER**